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NOTES ON INTERNATIONAL AFFAIRS

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The Russian Peace Treaties. The advent of the Bolsheviki to power on November 5, 1917, marked the third phase of the Russian revolution. The provisional government of the liberal leaders of the Duma, led by Prince Lvoff and Professor Miliukoff, had remained true to the cause of the Allies, but at the same time appeared to be unaware of the immediate necessity of revising the foreign policy of the government in the interest of holding the support of the Socialist groups and of satisfying the claims of Poland, Ukraina, and other nationalities of the empire to some measure of autonomy. The imperialistic vision of a Russian Constantinople was in the eyes of the Socialists an argument against rather than in favor of continuing the war; and on the other hand the Poles, the Ukrainians and the Finns could not regard the revolution as the fulfillment of their hopes unless they received an assurance of territorial autonomy. On the advent of the Social Revolutionist party to power under Kerensky in July, 1917, an effort was made to obtain a revision of the "secret treaties" in the interest of putting the war on a more clearly defensive basis, and was also marked by a recognition of the need of satisfying the aspirations of the nationalities; but by the time of the proclamation of the "Republic" on September 16 it was too late to head off the separatist movement.

In November the new Bolshevik government announced the radical policy of recognizing "the right of the peoples of Russia to free self-determination." This was equivalent to a surrender of the ideal of Russian unity, even in the modified form of a federal republic, in favor of the satisfaction of the most extreme demands of the national groups. At the same time the Bolshevik government prepared to go to a similar extreme in respect to the conclusion of peace. They had pledged themselves upon their accession to power to obtain a general armistice, or a separate one of their own if the other Allied nations should be unwilling to coöperate. A temporary armistice was signed at Brest-Litovsk on December 5, and a definite armistice on December 15, the latter providing for immediate peace negotiations.

Two questions of international law were presented by the action of the Bolsheviki. Was the new Russian government to be recognized by the Allies as a *de facto* government, as the provisional government of March had been? Secondly, was the Russian government legally bound by the Pact of London of September 5, 1914, by which the Allies bound themselves not to enter upon separate negotiations leading to peace? Both questions were answered by an appeal to expediency. On the point of recognizing the new government the Allies disregarded the extent of *de facto* control possessed by it, and withheld recognition pending further evidence of its policies. And the Bolsheviki on their part disregarded the rule of succession in international law, and frankly asserted that they were not bound by treaties made by the Czar under the old régime without the consent of the Russian people. As a matter of strict law they were doubtless the successors of the obligations as well as of the rights of the Russian government before the revolution; but in their opinion this was simply because international law had never provided for the sudden change of an absolute government with imperialistic ideals into a democratic government to which the Pan-Slavic ideal and the possession of Constantinople made no appeal; and it can only be by an unreal theory of state personality that the Russia of November, 1917, can be regarded as the same Russia that signed the compact of 1914. At any rate the Bolsheviki claimed the application of the rule of *rebus sic stantibus*.

Peace negotiations began on December 22. The Bolshevik delegates laid down for the guidance of the Conference the principle of the self-determination of nationalities, to be determined by a referendum of the peoples concerned; in the case of mixed nationalities special provision was to be made for the protection of the rights of minorities in respect to national culture and, if practicable, local self-government. The principle of no annexations and no indemnities was also to govern the terms of peace. On December 25 Count Czernin announced what appeared to be at first sight a full recognition of the principle of a peace "without forcible acquisitions of territory and without war indemnities," with the proviso, however, that Russia's allies should likewise agree to the same conditions. At the same time he gave his assent to the principle of the self-determination of national groups. Efforts were made by the Bolsheviki to have the Allies join in the peace negotiations on the strength of Count Czernin's declaration, with the understanding that on their part they would agree to self-determination for Ireland, Egypt, India, Mesopotamia, Madagascar and Indo-China, otherwise Russia would continue the negotiations alone.

Failing to obtain a favorable response from the Allies, the Bolshevik delegates found themselves in the presence of new terms from Germany which provided for the demobilization of the Russian armies and the evacuation by Germany of occupied Russian territory, except in so far as the occupied territory had already declared in favor of independence and separation from Russia. in which case the time of the evacuation should be fixed by a special commission following the taking of plebiscites in such territories. The result of this latter provision was to leave Poland, Lithuania, Courland, and portions of Livonia and Esthonia for the time being in the hands of Germany, with the obvious possibility that the plebiscite might be so managed as to put the territories in a condition of dependency upon Germany. To explain the contradiction between these terms and those announced by Count Czernin on December 25 the German delegates announced that the latter terms were canceled by the fact that the allies of Russia had not accepted what was made as a general offer to all the belligerents. The deception was denounced by the Soviet press and by Foreign Minister Trotsky; but the German government, seeing itself master of the situation in view of the demoralized state of the Russian army, refused to yield. On February 10 Trotsky, although refusing to sign a formal treaty, announced that the state of war between Russia and her former enemies was at an end. Military pressure by the German armies forced the capitulation of the Bolshevik delegates, and on March 3, 1918, the formal peace treaty was signed and then ratified within the prescribed fortnight by the Pan-Soviet congress at Moscow, the Bolsheviks announcing meanwhile that the signature and ratification had been put through under duress and would not be regarded as binding when the time of necessity was over.

The terms of the treaty were even more exacting than those of December 28. Russia undertook to evacuate immediately the parts of Ukrainia, Esthonia, Livonia, and Finland then occupied by her troops, as well as the Anatolian provinces of Turkey and the districts of Erivan, Kars and Batum. Esthonia and Livonia were to be occupied by a German police force until national institutions should be established and order restored in the two states. Courland, Lithuania and Poland were to be no longer under Russian sovereignty, and Russia undertook to refrain from all interference in the internal affairs of those territories and to let the Central Powers determine their future fate in agreement with their populations. Ukrainia, having declared its independence and concluded a separate treaty of peace with Germany, was to be recog-

nized by Russia. Further provisions related to the cessation of Bolshevik agitation in the ceded territories, the demolition of fortifications on the Aland Islands, a guarantee to respect the political and economic independence and territorial integrity of Persia and Afghanistan (thus undoing the Russo-British treaty of 1907), the exchange of prisoners, and the establishment of new commercial relations.

In respect to the right of self-determination to be enjoyed by Courland, Lithuania and Poland, it was openly stated at Brest-Litovsk by the German foreign minister that the voice of representative institutions rather than a plebiscite should express the will of the people. The opportunity such a policy gave for the control of the referendum by the party in military occupation of the territory caused the clauses in question to be criticized by the Socialist press of Germany itself as a clear case of annexation. The commercial provisions of the treaty, contained in appendices to Article II, were designed to effect a continuation of the treaties of 1894 and 1904, which put an end to the tariff war between the two countries and granted special concessions for the importation into Russia of German iron, steel, coal and woollen goods. It has been said by economists that the new Russian tariff bill proposed in 1914 as a substitute for the treaty with Germany about to terminate was regarded with such alarm by German merchants, who had come to look upon Russia as a sort of *hinterland*, that they were ready to acquiesce in a war as a means of restoring their favored position. The control of Riga and the Duna river, given to Germany by the treaty of Brest-Litovsk, enables her to control a part of the overseas trade of Russia and better to protect her own trade over the land frontier.

The attitude of the allies of Russia towards the treaty of Brest-Litovsk was expressed in a protest issued on March 18, 1918, from the British foreign office, in which the governments of Great Britain, France and Italy, without recognizing the *de jure* power of the Bolshevik government to conclude a treaty, repudiated the agreement as having been signed under duress. On March 11 President Wilson sent a message to the congress of the Soviets, then in session at Moscow, in which he expressed "the sincere sympathy which the people of the United States feel for the Russian people at this moment when the German power has been thrust in to interrupt and turn back the whole struggle for freedom and substitute the wishes of Germany for the purposes of the people of Russia." None of the allied powers took the attitude of denouncing the Bolshevik government for having violated the pact of September 5, 1914; and they chose at the time to regard it rather as the victim of

German domination than as the victim of its own radical principles, the effect of which might have been observed in the belief of Lenine that however unjust the treaty might be it must in due time be overthrown by the social revolution in Germany and Austria-Hungary for which the revolution in Russia was but a preparation. The reply of the Soviet congress expressed its gratitude to the American people, but above all to the laboring and exploited classes of the United States for the sympathy expressed by the President, and further took the opportunity of pointing out the imperialistic character of the war and of holding out the hope that the laboring masses of all countries would before long throw off the yoke of capitalism and establish a socialistic state of society.

The American government, however, still refused to emphasize the connection between Russia's separate treaty and the revolutionary principles of the Soviet government. The Soviet government still remained formally unrecognized, and in some respects the Allies continued to regard Russia as at war with Germany. On July 25 the American ambassador, in declining to come to Moscow at the request of the Bolshevik foreign minister, stated that while the American government refrained from interfering in the internal affairs of Russia, it still considered the Russian people as its allies and had more than once appealed to them to unite with it in resisting the common enemy.

In the meantime the intervention of the allied forces at Murmansk and at Archangel on July 15 and August 4 was resisted by the Bolshevik government, Lenine announcing privately that the act amounted to a state of war. Disregarding entirely the Soviet government at Moscow the Allied armies negotiated directly with the anti-Bolshevik elements who had formed a provisional government of the country of the north, with headquarters at Archangel, the members of the new government being former delegates to the Russian Constituent Assembly from the provinces of Novgorod, Archangel, Vologda, Viatka, Kakan, and Samara. On August 22 an official announcement was made by representatives of Great Britain, France, and the United States at Archangel to the effect that it was not true that the Allied forces were, as Lenine and Trotsky had said, the enemies of Russia, but that they had landed at Archangel at the invitation of the "legitimate" government and with the complete consent of the people, the "legitimate" government drawing its legal character from the Constituent Assembly as the source of rightful government in Russia. A similar attitude was adopted by the Allied forces at Vladivostok towards the anti-Bolshevik elements in

Siberia, who had formed in January a temporary government of autonomous Siberia and whose program was the reestablishment of law and order and the calling of a Siberian Constituent Assembly.

On September 21 President Wilson issued an appeal to the neutral governments of the world, reciting the campaign of mass terrorism and the wholesale executions to which the people of Moscow, Petrograd, and other cities were subject, and inquiring whether those governments would not be disposed to "take some immediate action, which is entirely devoid from the atmosphere of belligerency and the conduct of war, to impress upon the perpetrators of these crimes the aversion with which civilization regards their present wanton acts." At the same time documentary evidence was published by the committee on public information showing the Bolshevik government to be the paid agents of Germany both in respect to the November revolution and the conclusion of the Brest-Litovsk treaty and in respect to the proposed exploitation of Russian industries by Germany after the war.

The Ukrainian and Finnish Peace Treaties. While the negotiations at Brest-Litovsk were in progress between the Bolsheviks and the Central Powers, a separate peace treaty was signed with Ukraina on February 9, 1918. Shortly after the outbreak of the revolution Ukraina began to assert claims to autonomy, but showed little sign of desiring complete independence until the Bolsheviks demanded the abdication of the Rada at Kieff as not being representative of the proletariat. Ukraina, being an agricultural rather than an industrial state, resisted the demand for the establishment of a Soviet government and on November 20 proclaimed itself an independent state, under the name of the Ukrainian People's Republic. On December 27 the new republic sent a special mission to Brest-Litovsk to conduct separate peace negotiations with the delegates of the Central Powers. For two weeks in January the Ukrainian delegates attended the general peace conference until the Petrograd Soviet declared war upon Ukraina on January 26. This placed the German delegates in the position of having to give formal recognition to the independence of Ukraina, which it did on February 9 in spite of the capture of Kieff by the Bolsheviks the day before.

The provisions of the treaty, while generous in respect to the territory assigned to the new state, in particular handing over to it Kholm, which had been regarded as Polish for more than six centuries, are exacting in their demands upon the resources of the country. Article VII pro-